



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

22Z00058

Tomas Guillen-Arguelles and Elsa Rodriguez-Arriaga

AU (Agricultural Residential) to RU-1-9 (Single-Family Residential)

Tax Account Number: 2419383

Parcel I.D.: 24-36-26-00-253

Location: West side of Koch Street approximately 245 feet south of Lucas Road
approximately 0.4 miles west of Cox Road (District 2)

Acreage: 0.24 acres

Planning & Zoning Board: 01/09/2023

Board of County Commissioners: 02/02/2023

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RU-1-9
Potential*	0 SF units	1 SF unit
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-9 (Single-Family Residential) on a 0.24-acre parcel for the purpose of constructing one single-family residence. The undeveloped subject parcel has frontage on Koch Street and meets access requirements, as provided in Section 62-102.

The subject parcel was recorded into the current configuration per Official Records Book 5504, Page 7196 on July 25, 2005. The original zoning on the property was AU.

A prior zoning request to change the AU zoning to RU-1-A (Single-Family Residential) was denied on March 28, 1968 under zoning action **Z-2247**. The subject parcel subsequently designated as RES 15 Future Land Use when the Comprehensive Plan was adopted in 1988.

Land Use

The subject property is currently designated as Residential 15 (RES 15) FLU. The existing AU zoning can be considered consistent with the existing RES 15 FLU designation.

The applicant's request can be considered consistent with the existing RES 15 Future Land Use.

Applicable Land Use Policies

FLUE Policy 1.4 – Residential 15 (maximum of 15 dwelling units per acre)

The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within the Future Land Use Element.

FLUE Policy 1.2 - Public Facilities and Services Requirements

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

Criteria:

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.
- E. Where public water service is not available, residential development proposals with densities greater than two units per acre shall be required to connect to a centralized sewer system.
- F. The County shall not extend public utilities and services outside of established service areas to accommodate new development in Residential 2, Residential 1 and Residential 1:2.5 land use designations, unless an overriding public benefit can be demonstrated. This criterion is not intended to preclude acceptance of dedicated facilities and services by the County through MSBU's, MSTU's and other means through which the recipients pay for the service or facility.

The parcel has access to Cocoa City Water Distribution per information provided by the City of Cocoa. The closest Brevard County sewer line is approximately 92 feet west on Ligustrum Lane.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in

existing neighborhoods within the area which could foreseeably be affected by the proposed use;

Development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 and will be reviewed at the site plan review stage. The proposal is not anticipated to diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area.

B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The surrounding area is residential in character on lots 0.17-acre or larger in size. There are five (5) FLU designations within 500 feet of the subject site: RES 15, RES 6, CC, NC, and REC. The predominant FLU designation along the west side of Koch Street is RES 15 with RES 6 on the east side.

2. actual development over the immediately preceding three years; and

There has not been any actual development within this area in the preceding three (3) years.

3. development approved within the past three years but not yet constructed.

While there has not been any actual development within this area in the preceding three (3) years, two zoning actions have been approved within one-half mile:

20Z00024, approved by the Board on November 4, 2021, was a request to rezone from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) on 0.24 acres located approximately 960 feet west of the subject property.

20Z00033, approved by the Board on May 10, 2021, was a request to rezone from RU-1-7 (Single-Family Residential) and RU-2-10 (Medium-Density Multi-Family Residential) to RU-2-12 (Medium-Density Multi-Family Residential) on 8.46 acres located approximately 1,567 feet northwest of the subject property.

D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The developed character of the surrounding area is single-family residential and multiple-family residential on lots approximately 0.17-acre or larger in size. The predominant zoning classification along the east side of Koch Street is RU-1-9. While this request may be considered an introduction of RU-1-9 to the west side of Koch Street, information provided by Property Appraiser records indicate the surrounding parcels are residential and not utilized for bona fide agricultural purposes. This request may be considered compatible with the surrounding area, recognizing the existing mix of zoning classifications which developed with primarily residential uses.

Two zoning actions have been approved within a half-mile radius of the subject property within the last three years. **20Z00024**, approved by the Board on November 4, 2021, was a request to rezone from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) on 0.24 acres located approximately 960 feet west of the subject property. **20Z00033**, approved by the Board on May 10, 2021, was a request to rezone from RU-1-7 (Single-Family Residential) and RU-2-10 (Medium-Density Multi-Family Residential) to RU-2-12 (Medium-Density Multi-Family Residential) on 8.46 acres located approximately 1,567 feet northwest of the subject property. There are no pending zoning actions within a half-mile radius of the subject property.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-Family Residence	AU	RES 15
South	Single-Family Residence	AU	RES 15
East	Single-Family Residences	RU-1-9	RES 6
West	Single-Family Residence	AU	RES 15

To the north is a 0.28-acre parcel with AU zoning developed as a single-family residence. To the south is a 0.37-acre parcel with AU zoning developed as a single-family residence. To the east are two 0.17-acre parcels, each with RU-1-9 zoning and developed as single-family residences. To the west is a 0.3-acre parcel with AU zoning developed as a single-family residence.

The current AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals and plants nurseries.

The proposed The RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

The RU-2-15 classification permits multiple-family residential uses or single-family residences at a density of up to 15 units per acre on 7,500 square foot lots.

The RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

The RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

The BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

IN(L) classification of the subject parcel is an Institutional (Light) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

The GML government managed lands zoning classification recognizes the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities.

RP is a residential-professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lucas Road, from N. Tropical Trail to Courtenay Parkway, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of D, and currently operates at 19.81% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.06%. The corridor is anticipated to operate at 19.87% of capacity daily. The maximum development potential of the proposal is not anticipated to create a deficiency in LOS. Specific concurrency issues will be address at the time of site plan review. This is only a preliminary review and is subject to change.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The parcel has access to Cocoa City Water Distribution per information provided by the City of Cocoa. The closest Brevard County sewer line is approximately 92 feet west on Ligustrum Lane.

Environmental Constraints

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT (NRM) DEPARTMENT
Zoning Review & Summary
Item #22Z00058

Applicant: Guillen-Arguelles & Rodriguez-Arriaga

Zoning Request: AU to RU-1-9

Note: Lot doesn't meet minimum size requirements for AU.

Zoning Hearing Date: 01/09/23; **BCC Hearing Date:** 02/02/2023

Tax ID Nos: 2419383

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees

No noteworthy land use issues were identified. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Overlay

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. Should this area be utilized for septic, and if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected and Specimen Trees may exist on the parcel. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.